

ORIGINAL FILED  
DISTRICT COURT  
MAINE, GEORGIA

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

*D. Farter*  
DEPUTY CLERK

**ALAN DORSEY,**

**Plaintiff,**

**V.**

**DALLAS & MAVIS SPECIALIZED  
CARRIER CO., LLC,  
LIBERTY MUTUAL FIRE  
INSURANCE COMPANY and  
DAVID LEWIS JONES**

## Defendants.

**CIVIL ACTION FILE**

NO. **5:05-CV-177**

## COMPLAINT FOR DAMAGES

1.

The plaintiff Alan Dorsey is a citizen and resident of the State of Georgia residing at 514 Old Macon Road, Byron, Georgia 31008.

2.

Defendant Dallas & Mavis Specialized Carrier Co., LLC (hereinafter “Dallas & Mavis”) is a commercial motor carrier for hire with its principal place of business located at 625 55th Street, Kenosha, Wisconsin 52140. Upon information and belief, said defendant is incorporated in the State of Kentucky and is a citizen and resident

of that state. Nonetheless, even though a foreign corporation, said defendant is authorized to conduct business in the State of Georgia and has appointed as its registered agent for service of process Hugh Lawson, Jr., 912 Main Street, Perry, Georgia 31069. When duly served with Summons and Complaint in this matter, said defendant will be subject to the jurisdiction of this Court.

3.

Defendant Liberty Mutual Insurance Company is a citizen and a resident of the State of Massachusetts. It has appointed as its registered agent for service of process Corporation Process Company, 180 Cherokee St., N.E., Marietta, Ga. 30060. When duly served with a copy of the Summons and Complaint in this matter, said defendant will be subject to the jurisdiction of this Court.

4.

Defendant David Lewis Jones is a citizen and resident of the State of Ohio residing at 406 Washington, PB 660, Stryker, Ohio 43557. When duly served with a copy of Summons and Complaint in this matter, said defendant will be subject to the jurisdiction of this Court.

5.

This Court has jurisdiction of this cause of action by reason of the fact that this

cause is an action between citizens of different states, and the amount in controversy exclusive of interest and cost exceeds \$75,000.00. Jurisdiction of this Court is predicated on diversity of citizenship and the amount in controversy pursuant to the provisions of Title 28 U.S.C. § 1332.

6.

On March 22, 2005, while a pedestrian, the plaintiff was struck by a 1997 Peterbilt tractor-trailer being operated by defendant David Lewis Jones, who at all times pertinent to the events alleged herein was acting within the scope of his employment as an agent and employee of defendant Dallas & Mavis.

7.

At the time and place in question the plaintiff was a pedestrian positioned off of the emergency shoulder of I-75 South in Bibb County, Georgia when he was struck by a 1997 Peterbilt tractor-trailer owned by defendant Dallas & Mavis while being operated by defendant David Lewis Jones. Just prior to the plaintiff being struck, defendant David Lewis Jones was operating the tractor-trailer unit too fast for conditions, failed to keep a proper lookout for traffic ahead of him, failed to maintain his vehicle under proper control and failed to maintain a single lane of travel such that due to his multiple acts of negligence he lost control of his vehicle, left the paved

portion of road, ran off the road on I-75 south and while traveling off the road struck and ran over the body of the plaintiff.

8.

As a result of being struck by the tractor-trailer unit being driven by defendant David Lewis Jones, the plaintiff was subjected to trauma and sustained serious and permanent bodily injuries from which he suffered at the time, now suffers and will continue to suffer pain, both now and in the future as his injuries are permanent.

9.

As a result of the injuries sustained by plaintiff Alan Dorsey, he has incurred substantial physician, hospital, medical and related expenses by reason of his physical injuries.

10.

By reason of his injuries, the plaintiff has been permanently disabled and has and will continue to sustain a loss of income and other consequential damages.

11.

The plaintiff brings this action to recover for his pain and suffering past, present and future, both mental and physical, lost wages, sums incurred for hospital, physicians, medication and related expenses, a diminishment in his capacity to earn

and labor and for his permanent injuries.

12.

At the time of the events alleged herein, defendant Liberty Mutual Fire Insurance Company insured defendant Dallas & Mavis. The plaintiff brings this cause of action directly against Liberty Mutual Fire Insurance Company under the provisions of O.C.G.A. § 46-7-12 as Liberty Mutual Fire Insurance Company (hereinafter “Liberty Mutual”) was the insurance company of record for this commercial carrier for hire with both the State of Georgia and with The Federal Motor Carrier Safety Administration, Department of Transportation.

13.

On the date of the subject incident, upon information and belief, Liberty Mutual Fire Insurance Company policy number A12-741-435290-01 was in full force and effect and provided coverage for the subject incident. Upon information and belief, Liberty Mutual had filed a form BMC-91X with the federal government and Certificate E with the State of Georgia relative to its surety obligations to the public under this policy.

14.

At all times pertinent to the events alleged herein, defendant Dallas & Mavis

was and is vicariously responsible for the actions of its agent and employee David Lewis Jones who negligently failed to keep his vehicle under proper control, was traveling too fast for the conditions which existed at the time and place in question, failed to keep a proper lookout for traffic ahead of him, failed to keep his vehicle within its proper lane of travel and negligently left the paved portion of the road thereby striking the person and body of the plaintiff.

15.

All of plaintiff's damages were proximately caused by the negligence of Dallas & Mavis and its employee/driver David Lewis Jones for which Dallas & Mavis is vicariously responsible under the Doctrine of Respondeat Superior. Defendant Liberty Mutual is responsible as the insurance company for Dallas & Mavis given that plaintiff, a member of the public, sustained an actionable injury and is seeking compensation for the damages and injuries sustained in the subject incident.

WHEREFORE, plaintiff prays for:

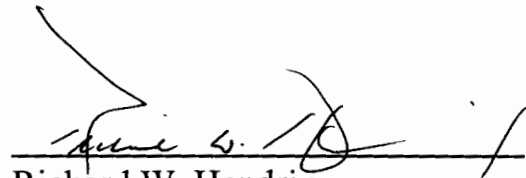
- a. A jury trial as to all issues so triable;
- b. That he recover all of his compensatory damages from the defendants sufficient to compensate him for all of his injuries and damages as set forth herein in an amount not less than three million dollars, to be

adjusted as determined by his future prognosis;

- c. That he recover all costs of this action; and
- d. For such other and further relief as this Court deems just and proper.

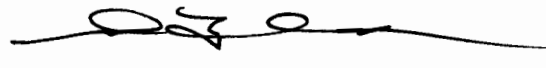
Respectfully submitted,

FINCH McCRANIE, LLP



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JS 44  
(Rev. 12/96)**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Alan Dorsey

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Houston Co., GA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
Richard W. Hendrix, 225 Peachtree St., NE  
1700 South Tower, Atlanta, GA 30303

**DEFENDANTS**

Dallas & Mavis Specialized Carrier Co., LLC  
Liberty Mutual Fire Insurance Company  
David Lewis Jones

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Kenosha, Wisconsin  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)  
Unknown

**II. BASIS OF JURISDICTION**

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   |                                       |                                       |   |                            |                            |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
|   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

**V. NATURE OF SUIT**

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury — Med. Malpractice <input type="checkbox"/> 365 Personal Injury — Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>HABEAS CORPUS:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>SOCIAL SECURITY</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS — Third Party 26 USC 7609
			<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS — Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

**VI. CAUSE OF ACTION**

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

This is an action for compensatory damages arising from a motor vehicle accident which occurred in Bibb County, Georgia. Jurisdiction is proper pursuant to 28 USC Section 13-32

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$unspecified CHECK YES only if demanded in complaint: compensatory damages JURY DEMAND: ☒ YES ☐ NO

**VIII. RELATED CASE(S) IF ANY**

(See instructions): JUDGE

WDO

DOCKET NUMBER

5:05-CV-177

DATE

SIGNATURE OF ATTORNEY OF RECORD

6-2-05

[Signature]

Rec. # 519219

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG JUDGE \_\_\_\_\_